IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL NO. 699 OF 2004.

The Commissioner of Income-tax,
Bombay. ... Appellant.

V/s.

Madhusudan I. Mistry,
Bombay. ... Respondent.

Ashok Kotangale with A.S.Rao for the appellant.

CORAM : V.C.DAGA AND J.P.DEVADHAR, JJ.

DATED : 17th July 2006.

P.C. :

. The learned counsel for the appellant-Revenue fairly stated that the question sought to be raised in this appeal is squarely covered by the judgment of this Court in the case of **Caddel Waving Mill Co.P.Ltd. v. C.I.T.**, (2001) 249 ITR 265 (Bom.). He, therefore, seeks permission to withdraw this appeal.

. Accordingly, appeal stands dismissed as withdrawn with no order as to costs.

. Needless to mention that the appellant-Revenue is entitled to refund of court fee as per law.

(J.P.DEVADHAR, J.) **(V.C.DAGA J.)**